

D. Congressional Relations

CONGRESSIONAL OVERSIGHT

o Successive Directors of the Central Intelligence Agency have recognized that Congress has far-reaching legislative oversight and appropriations responsibilities under the Constitution.

o The DCI's have consistently taken the position that they would work with the Congress in any way in which Congress organizes itself to exercise these responsibilities.

o Since the creation of the Office of Director of Central Intelligence and the Central Intelligence Agency in 1947, Congress has exercised its oversight and appropriations responsibilities through certain designated committees.

o After some initial dealings with the Committees on Expenditures in the Executive Departments (precursors of the present Governmental Affairs and Government Operations Committees), the House and Senate Armed Services Committees gained legislative oversight of the Agency.

o Also--from the outset--the respective Appropriations Committees participated in intelligence oversight through review and approval of the Agency's operating budget.

o Each of these four committees created subcommittees of senior members, nearly always headed by the Chairman of the full committee, to exercise the committee's intelligence oversight responsibilities.

o This "basic four" committee structure remained intact for over 25 years.

o Although the structure of congressional oversight remained essentially the same for 25 years, the degree of oversight exercised varied significantly.

o The intensity of oversight seems to have depended on the spirit of the times. For example, at the height of the Cold War, the congressional leadership had little desire to act as a check on Agency activities; oversight was chiefly concerned with insuring that the Agency had the resources it needed to do its job.

- o By today's standards, therefore, oversight in the 1950's and early 1960's was not rigorous.
- o In the 1970's and today, especially since the creation of the House Permanent Select Committee on Intelligence (HPSCI) and the Senate Select Committee on Intelligence (SSCI), oversight has intensified markedly.
- o During the 93rd, 94th, and 95th Congresses, three significant changes occurred in the intelligence oversight structure:
  - a. 93rd: The Hughes-Ryan amendment was enacted as Section 662 of the Foreign Assistance Act of 1961, as amended. The amendment was designed to expand Agency reporting on covert actions. Prior to the recent modification of the Hughes-Ryan Amendment in the 97th Congress, covert action reporting had expanded to eight committees of the Congress.
  - b. 94th: In the wake of the investigations of intelligence abuses, the Senate on 16 May 1976 adopted S. Res. 400, which established a new permanent intelligence oversight committee--the 15 member Senate Select Committee on Intelligence (SSCI).
  - c. 95th: The House on 15 July 1977 followed suit and adopted H. Res. 658 establishing the House Permanent Select Committee on Intelligence.
- o During the 97th Congress--following the demise of congressional efforts to adopt new statutory charters for the Intelligence Community--two significant congressional actions took place:
  - a. Modifications were adopted to the Hughes-Ryan Amendment reducing from eight to two the number of committees receiving information concerning special activities; and,
  - b. The Congress adopted via enactment of Section 501 of the National Security Act a "Congressional Oversight" statute.

o Enactment of Section 501 is significant because for the first time since the establishment of the two oversight committees the obligations of the DCI and those of "... the heads of all departments, agencies, and other entities of the United States involved in intelligence activities..." are codified in law. Enactment of Section 501 marked the culmination of the congressional debate as to whether the Intelligence Community should be regulated by new statutory charters. It is drafted in such a way as to allow sufficient maneuverability to the Executive as well as Congressional Branches should either wish to challenge interpretation of Section 501. To date, the provision has never been cited by either Branch either in support of a request for information or a denial of information. It nonetheless is the statutory cornerstone upon which our relationship with the SSCI and its House counterpart are founded.

HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

MEMBERSHIP  
98th Congress

Democrats

Edward P. Boland, Chairman  
(Massachusetts)  
Clement J. Zablocki  
(Wisconsin)  
Romano O. Mazzoli  
(Kentucky)  
Norman Y. Mineta  
(California)  
Wyche Fowler, Jr.  
(Georgia)  
Lee H. Hamilton  
(Indiana)  
Dave McCurdy  
(Oklahoma)  
Albert Gore, Jr.  
(Tennessee)  
Louis Stokes  
(Ohio)

Republicans

J. Kenneth Robinson  
(Virginia)  
G. William Whitehurst  
(Virginia)  
C. W. Bill Young  
(Florida)  
Bob Stump  
(Arizona)  
William F. Goodling  
(Pennsylvania)

Jim Wright,  
ex officio  
(Texas)

Robert H. Michel,  
ex officio  
(Illinois)

## House Permanent Select Committee on Intelligence

EDWARD P. BOLAND  
Chairman, (D. Mass)

SUBCOMMITTEE ON  
PROGRAM AND BUDGET  
AUTHORIZATION

Boland, (D. MA)  
Zablocki, (D. WI)  
Mineta, (D. CA)  
McCurdy, (D. OK)

Robinson, (R. VA)  
Young, (R. FLA)  
Stump, (R. AZ)

SUBCOMMITTEE  
ON  
LEGISLATION

Mazzoli, (D. KY)  
Fowler, (D. GA)  
Stokes, (D. OH)  
Boland, (D. MA)

Whitehurst, (R. VA)  
Goodling, (R. PA)

SUBCOMMITTEE ON  
OVERSIGHT AND  
EVALUATION

Fowler, (D. GA)  
Hamilton, (D. IN)  
Gore, (D. TN)  
Boland, (D. MA)

Young, (R. FLA)  
Goodling, (R. PA)

SENATE SELECT COMMITTEE ON INTELLIGENCE

MEMBERSHIP  
98th Congress

Republicans

Barry M. Goldwater, Chairman  
(Arizona)  
Jake Garn  
(Utah)  
John H. Chafee  
(Rhode Island)  
Richard G. Lugar  
(Indiana)  
Malcolm Wallop  
(Wyoming)  
David Durenberger  
(Minnesota)  
William V. Roth, Jr.  
(Delaware)  
William S. Cohen  
(Maine)

Democrats

Daniel P. Moynihan, Vice Chairman  
(New York)  
Walter D. Huddleston  
(Kentucky)  
Joseph R. Biden  
(Delaware)  
Daniel K. Inouye  
(Hawaii)  
Henry M. Jackson  
(Washington)  
Patrick J. Leahy  
(Vermont)  
Lloyd Bentsen  
(Texas)

Howard H. Baker, Jr.,  
ex officio  
(Tennessee)

Robert C. Byrd,  
ex officio  
(West Virginia)

## Senate Select Committee on Intelligence

**BARRY M. GOLDWATER**  
Chairman, (R. AZ)

**DANIEL P. MOYNIHAN**  
Vice Chairman, (D. NY)

**SUBCOMMITTEE  
ON  
BUDGET**

Wallop, (R. WY) Chairman  
Inouye, (D. HI) Vice Chairman  
Garn, (R. UT)  
Durenberger, (R. MN)  
Roth, (R. DE)  
Cohen, (R. ME)  
Jackson, (D. WA)  
Leahy, (D. VT)  
Bentsen, (D. TX)

**SUBCOMMITTEE  
ON  
ANALYSIS AND PRODUCTION**

Lugar, (R. IN) Chairman  
Jackson, (D. WA) Vice Chairman  
Wallop, (R. WY)  
Roth, (R. DE)  
Bentsen, (D. TX)

**SUBCOMMITTEE ON  
LEGISLATION AND THE  
RIGHTS OF AMERICANS**

Durenberger, (R. MN) Chairman  
Leahy, (D. VT) Vice Chairman  
Garn, (R. UT)  
Chafee, (R. RI)  
Cohen, (R. ME)  
Huddleston, (D. KY)  
Biden, (D. DE)

**SUBCOMMITTEE ON  
COLLECTION AND  
FOREIGN OPERATIONS**

Chafee, (R. RI) Chairman  
Huddleston, (D. KY) Vice Chairman  
Garn, (R. UT)  
Lugar, (R. IN)  
Cohen, (R. ME)  
Biden, (D. DE)  
Inouye, (D. HI)  
Jackson, (D. WA)

## TALKING POINTS

### HPSCI

ESTABLISHMENT: The House Permanent Select Committee on Intelligence was established on 14 July 1977 (95th Congress), by House Resolution 658 "to oversee and make continuing studies of the intelligence and intelligence related activities and programs of the United States Government ... ."

House Resolution 658 specifically charges that the HPSCI:

- o "...oversee and make continuing studies of the intelligence and intelligence-related activities and programs of the United States Government..."
- o "report to the House concerning such intelligence and intelligence-related activities and programs...";
- o assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interest of the nation..."; and,
- o "provide vigilant legislative oversight over the intelligence and intelligence-related activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States."

### JURISDICTION:

- o The HPSCI is responsible for:
  - (1) The CIA and the DCI;
  - (2) Intelligence and intelligence-related activities of all other departments and agencies of the Government, including but not limited to, the intelligence and intelligence-related activities of the DIA, NSA and other agencies of the DoD, State, Justice (including the FBI and its Intelligence Division), and Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that it relates to a function or activity involving intelligence activities; and,

(4) Authorizations for appropriations, both direct and indirect, for the above organizations and activities.

MEMBERSHIP/"CROSS-POLLINATION":

- o The Speaker of the House appoints the members each to serve not more than six years.

- o For continuity sake, not more than a third of the members rotate off each Congress.

- o The ratio of Democrats to Republicans is determined in the same manner as for other House Committees.

- o The HPSCI is composed of 14 Members, appointed as follows:

- at least one from the Appropriations Committee;

- at least one from the Armed Services Committee;

- at least one from the Foreign Affairs Committee; (currently there are two)

- at least one from the Judiciary Committee.

STAFF:

- o The HPSCI has a staff of 16 professionals hired by the Chairman and Ranking Minority Member with the concurrence of the Staff Director and assigned by the same to the Committee as a whole and to individual Subcommittees. Of the professional staff, five have access to information concerning special activities.

o In its first annual report, 14 October 1978, the HPSCI notes that the Committee has hired a "small, highly professional staff," including people with "experience in Congressional oversight, experience within the Executive Branch in evaluating the performance of intelligence activities and experience within the intelligence community as budget analysts and technical experts."

o This comment holds true today.

### SSCI

The Senate Select Committee on Intelligence was established on 19 May 1976 (94th Congress) as a result of Senate adoption of Senate Resolution 400, stemming from a recommendation by the Church Committee, "to oversee and make continuing studies of the intelligence activities and programs of the United States Government."

Senate Resolution 400 specifically charges that the SSCI:

- o "...oversee and make continuing studies of the intelligence activities and programs of the United States Government ...";
- o "submit to the Senate appropriate proposals for legislation ...";
- o "report to the Senate concerning such intelligence activities and programs ...";
- o "assure that the appropriate department and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation ..."; and,
- o "provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States."

### JURISDICTION:

- o The SSCI is responsible for:
  - (1) The CIA and the DCI;
  - (2) Intelligence activities of all other departments and agencies of the Government, including but not limited to, the intelligence activities of DIA, NSA and other agencies of the DoD, State, Justice (including the FBI and its Intelligence Division), and Treasury;

(3) The organization or reorganization of any department or agency of the Government to the extent that it relates to a function or activity involving intelligence activities; and,

(4) Authorizations for appropriations, both direct and indirect, for the above organizations and activities.

MEMBERSHIP/"CROSS-POLLINATION":

o The SSCI is composed of 15 members, appointed as follows:

- two from the Appropriations Committee;
- two from the Armed Services Committee;
- two from the Foreign Relations Committee;
- two from the Judiciary;
- seven from the Senate at large.

o Members are appointed by the President pro tempore of the Senate upon the recommendation of the Senate majority and minority leaders.

o Membership is divided 8-7 between the Republican and Democratic parties with Chairman-- a member of the majority party--holding the breaking vote.

o The SSCI selects a chairman and vice chairman by independent vote of the majority and minority Members of the full Senate.

o The vice chairman acts in the chairman's absence.

o Each Member in turn is entitled to appoint a staff designee who will be that Member's primary referent on the Committee.

SSCI STAFF:

- o The SSCI--with a staff of twenty professionals--operates through a system of "designees." Each Member appoints a designee who serves at the pleasure of the Member and is responsible for handling his Member's intelligence portfolio. Of the staffers, four have access to information concerning special activities.
- o The SSCI's first annual report, 18 May 1977, boasts a staff of "men and women of unusually high quality. They represent a mix of disciplines: history, political science, law, as well as a number of members with considerable experience in intelligence."
- o This comment holds true today.

RESTRICTIONS ON INFORMATION PROVIDED  
TO HPSCI/SSCI

- o The Director of Central Intelligence is statutorily obliged--under terms of the "Congressional Oversight" provisions of the National Security Act--to:
  - a. keep the two oversight committees "fully and currently informed" of all intelligence activities; and,
  - b. furnish all information requested by either committee in order to carry out its authorized responsibilities.
- o These obligations are conditioned by two preambular clauses that preserve the constitutional rights of the President and the right of agencies to withhold information for purposes of protecting classified information and information about intelligence sources and methods from unauthorized disclosure.
- o It must be understood that--by statute--furnishing intelligence information to the Intelligence Committees does not "constitute the unauthorized disclosure of classified information or information relating to intelligence sources and methods."
- o Members and staff of the Intelligence Committees are, of course, prohibited by law from the unauthorized disclosure of classified information.
- o Both Senate Resolution 400 and House Resolution 658 provide a mechanism whereby the Committees, notwithstanding Executive Branch requests to the contrary, can disclose publicly any information which has been classified under established security procedures.
- o Should the President object "personally in writing," the issue must be referred to the full Senate or House in closed session.

o Since the establishment of both Committees, this mechanism has never been invoked.

o Under the terms of their enabling resolutions, the HPSCI and SSCI may make classified intelligence information available to "any other committee or any other Member ... and permit any other Member of the House to attend any hearing of the committee which is closed to the public."

o When this is done, a written record is kept. The committee or Member to whom the information is given is prohibited from disclosing such information "except in a closed session."

o In the realm of special activities, the Congressional Oversight Act requires advance notice of the two oversight committees of special activities approved by the President under Hughes-Ryan, with two exceptions:

a. If the President determines it is essential to meet extraordinary circumstances affecting vital interests of the U.S., the Agency can limit prior notice to eight designated Members of Congress (Chairman and Ranking Minority Member of the two oversight committees and the two leaders of each House).

b. In even more rare and extraordinary cases, the President may direct that prior notice be withheld entirely.

o The right of the Committees to prior notice of all significant intelligence activities (including clandestine collection activities and Special Activity notification under the Hughes-Ryan Amendment) is subject to the DCI's statutory authority to protect intelligence sources and methods from unauthorized disclosure.

REPORTS MADE TO HPSCI/SSCI

- o By statute the DCI is required to furnish all information requested by either Committee in order to carry out its authorized responsibility.
- o CIA provides the oversight committees upon request with:
  - all finished intelligence products;
  - all disseminated intelligence reports;
  - briefings covering topics of current intelligence interest or of specific interest to Members or staff and special activities briefings, as appropriate;
  - all budget information the Committees need to enable them to act authoritatively on the Agency's budget requests in the form of the annual authorization bills.
- o Under the terms of their enabling resolutions the committees receive an annual report from the DCI, the SEC DEF, the SEC STATE, and the D/FBI.
- o "Such reports shall review the intelligence and intelligence-related activities of the agency or department concerned and the intelligence and intelligence-related activities of foreign countries directed at the United States or its interests."
- o Should the Committees deem it appropriate, an unclassified version of each report may be made available to the public.
- o The Committees themselves are required to make "regular and periodic reports" to the House or Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Exemplars of these reports are made available for your information.

LIMITATIONS OVERSIGHT IMPOSES ON CIA  
AND ITS OPERATIONS

- o None.
- o Consider "oversight" as a partnership, a two-way street.
- o Example:
  - a. Oversight Committees promote passage of positive legislation:
    - (i) positive legislation included in the annual authorization bill;
    - (ii) Identities Legislation; and,
    - (iii) FOIA amendments.
  - b. annual process of authorizing the Agency the funds it needs to operate.
- o Atmosphere of oversight is one of "constructive criticism"--a mutual respect among the Agency and the Committees. Example: special activities briefings. Members comments weighed fully.
- o CIA provides members of the congressional branch with the intelligence they need to make informed decisions re matters of critical importance to the future of this country.

COSTS

- o Describe LLD/OEXA Budget.
- o Describe LLD staffing:
  - number of officers
  - how structured.
- o DDI: average for 1982 - two briefings a day.